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## Judiciary Committee

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### HB 1200

**Title:** An act relating to standardized chemical dependency assessment protocols.

**Brief Description:** Establishing standardized chemical dependency assessment protocols.

**Sponsors:** Representatives Pearson, O'Brien, Lovick, Kristiansen, Rodne, McDonald, Walsh, Ahern, Buri, Strow, Holmquist, Condotta and Hinkle.

Brief Summary of Bill
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| <ul style="list-style-type: none"><li>• Provides uniform standards for assessments of the alcohol or drug dependency of persons arrested for driving while under the influence.</li></ul> |
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**Hearing Date:** 2/4/05

**Staff:** Bill Perry (786-7123).

**Background:**

As part of his or her sentence, a person convicted of driving while under the influence of intoxicating liquor or any drug (DUI) is required to undergo "alcohol assessment and treatment." The treatment consists of completing an alcohol information course approved by the Department of Social and Health Services (DSHS) or completing a more intensive treatment program approved by the DSHS, as determined by the sentencing court. In order to determine which option is to be used, the court is required to direct the preparation of a diagnostic evaluation and treatment recommendation. This recommendation is to be done by a DSHS-approved alcoholism agency or by a court's own DSHS-approved probation department. The DSHS is responsible for setting standards for alcohol treatment programs.

If a person has been arrested for DUI, he or she may petition a court for a deferred prosecution as long as he or she has not previously been granted a deferral. If the petition is granted, the person's prosecution is deferred pending his or her successful completion of alcohol or drug treatment. In order to get a deferral, the petitioner must demonstrate to the satisfaction of the court that, among other things, his or her DUI was the result of alcoholism or drug addiction. The petition must contain a "case history and written assessment" that has been prepared by a DSHS-approved alcoholism or drug program.

Although these statutes require the DSHS to set standards for treatment programs, they do not provide for or require standardized assessment procedures.

**Summary of Bill:**

Assessments done of persons arrested for DUI must be done by a chemical dependency professional or supervised trainee who is qualified under rules of the Department of Health or by a probation assessment officer qualified under rules of the DSHS. An assessment must include the following:

- A face-to-face interview to obtain: a history of the client's involvement with substances and treatment; the client's self-assessment; and the client's legal history.
- If treatment is needed, the assessment must be evaluated using "patient placement criteria dimensions."
- If the assessment is of a "youth" in need of treatment, the assessment must also include information on: drug use by siblings or parents; learning disabilities of the client; the client's history of running away and out-of home placements; the client's emotional or psychological problems; the client's developmental problems; and the ability of the client's parents to participate in treatment.
- Documentation of collected information including sufficient data to determine a diagnosis.
- A written summary of: available blood alcohol or drug level test information about the client when arrested or police report if tests were refused; the client's self-reported driving record together with the official 15 year abstract of driving record; the client's defendant history; and a urinalysis test result if the initial finding is other than substance dependence.

A required standardized form for a chemical dependency assessment summary is provided.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.